

Application No.: 10/517,723

mg-2516 (00143-00245)

REMARKS

Reconsideration is respectfully requested of the Office Action dated July 24, 2006, for the following reasons.

The claims have been carefully reviewed and amended in view of the Office Action. It is noted that although claims 2-3, 6-7, 10-11 and 13-14 were rejected over the prior art, claims 4-5, 8-9 and 12 were not rejected over the prior art. Accordingly, in order to advance the prosecution of this case, parent claim 6 has been amended to incorporate features from claims which were not rejected over the prior art. Claims 9, 11, 13 and 14 have been canceled, also to advance the prosecution of this case.

Parent claim 6 now includes the feature of combining the use of gaseous xenon together with a medicament that comprises an NO source which is administered orally, by inhalation or parentally (see page 8, lines 13-17). The dependent claims defining an NO source had not been rejected over the prior art. Accordingly, in view of the amendments to claim 6, claim 6 should distinguish over the prior art. In addition, the remaining claims which are dependent on claim 6 should also be allowed.

With regard to the dependent claims, claim 4 has been amended to delete features now incorporated in claim 6. Claim 5 has been amended so that it is dependent on claim 6 instead of canceled claim 9. Claim 7 has been amended so that it is dependent on claim 6 instead of canceled claim 8. In that regard, claim 7 had been rejected under 35 USC 112 because of the improper claim dependency.

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The amendments to claim 6 also take into account Examiner Arnold's suggestions regarding language in claim 6 which was considered to be indefinite. As now amended claim 6 should fully comply with 35 USC 112.

The only remaining rejections were on the ground of obviousness type double patenting. A terminal disclaimer is being filed to address that rejection.

In view of the above remarks and amendments this application should be passed to issue. If Examiner Arnold has any suggestions for placing this application in its best form for allowance he is requested to telephone the undersigned attorney.

Respectfully submitted,

Dated: 9/22/06

By 
Harold Pezzner
Registration No.: 22,112
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

488770